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**THE PHILOSOPHER OUTSIDE THE CITY: THE APOLITICAL
SOCRATES OF THE *CRITO***

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Abstract

Of all the Platonic dialogues, the Crito best depicts the citizenship of Socrates. This is a well-known and widely accepted fact. What has gone largely unnoticed, however, is the counter evidence suggesting that Socrates is no citizen at all. It is here argued that beneath the surface of the dialogue lies an account of Socrates as a wholly autonomous man, one who minimizes or denies his obligations to the city. Socrates is apolitical, or outside the city, not in consequence of a libertarian interpretation of the law, as is sometimes thought, but because of his special status as a philosopher.

The Philosopher Outside the City:
The Apolitical Socrates of the Crito

I

In the dialogue named after him, Crito presents several reasons why Socrates should break from prison, but it is perhaps fair to say that Crito's chief concern is with his own reputation (Young, 1974, pp. 4-6; Allen, 1980, pp. 67-70). Crito fears that the many will think him parsimonious and no worthy friend if he fails to rescue Socrates. They will conclude this, Crito worries, because never will they believe that Socrates refused to escape when given the chance (44c3-5).

Socrates is not impressed with Crito's pleading and explains in quick fashion why the opinions of the many are dismissible. Even so, Socrates seems aware that popular opinion weighs heavily with Crito, for Socrates returns to and persists with the subject once Crito has completed his case for escape (46c6ff.). Until the Laws take over the conversation several pages later, the Crito is about the profound irrelevance of public opinion to the well-being of the individual.

We might observe that Crito was mistaken in his fear--not because public opinion is harmless, as Socrates supposes, and not because Crito misread the minds of his contemporaries. Crito was mistaken because he presumed that his reputation depended on Socrates' flight from jail, when in fact it depended on the literary skills of a disciple of Socrates who in writing the Crito would record for posterity Crito's determined efforts to secure his friend's escape. As readers of a dialogue written by Plato, we know that Crito was prepared to risk nearly everything (his safety, his fortune, his country) for the sake of Socrates. We know of his steadfastness and loyalty under duress, just as we know of Socrates' courage in accepting a death he could have avoided. Socrates claims in the dialogue that he will be satisfied if the "most fair-minded men" (epieikestatoi) of his day hold to the belief that "these things have been done in just the way they were done" (44c7-9);¹ he does not care

what the many believe. But Plato has made it possible for the many--for people of all times--to know the events surrounding Socrates' death, in this case to know that Socrates chose to die having resisted the importunate offer of escape from a long-time friend. Is it not correct to say then that Plato, as author of the Crito, is sensitive to the importance of popular opinion and that he takes pains to shape it in a way advantageous to his mentor (Brann, 1978, pp. 17-18)?² In fact Plato admits as much in the Second Letter, stating that he wrote the dialogues in order to present the thought of Socrates "made young and beautiful" (314c4).

If Plato judges reputation to be important, what reputation does he impart to Socrates as a result of the Crito? The Crito makes this central claim about Socrates: that he died in obedient respect for his duties as a citizen. In this regard the Crito differs from the Apology which says that Socrates invited his condemnation not knowing that death is a thing to be feared. In the Apology Socrates is a philosopher who argues that suffering execution is a less harmful punishment than imprisonment or exile. The point he wishes to impress upon the jury is that philosophy, or self-knowledge, has made him fearless in the face of death, more so even than the famed Achilles of old. So insensible is Socrates to human mortality and to the fate awaiting him that he feels compelled to assure his jurors that he is indeed born of human parents and is not the offspring of an oak or a rock (34d4-5; cf. 30e3-5, 31b1-5). But in the Crito Socrates shows a different side of himself. Here he quite plainly is a citizen of Athens. He does not accept his execution because philosophy has rendered him impervious to death; rather he agrees to die because he has a contract with the city and is bound by its terms.

Of course the Socrates of the Crito is not exclusively a citizen; he is also a philosopher. But philosophical argument in the Crito confirms Socrates' duties to the state. Socrates reasons thus: (1) living well is

more important than living; (2) to live well is to do no evil, not even in repayment for evil received; (3) a citizen is contracted to his city and cannot break his contract without doing evil, and thus without living badly. The first principle serves to make the citizen brave, the second makes him just, while the third makes him obedient. Accordingly, the teaching of the Crito seems to be that philosophy comes to the aid of citizenship and that the philosopher, i.e., Socrates, is a good citizen. Political life, therefore, need not treat philosophy as a foreign corruption, nor need the city regard the philosopher as its mortal foe. Had the city of Athens seen Socrates as he is pictured in the Crito, as a man who obeys the law and who has sound reasons for doing so, it quite arguably would never have condemned him to death. And that other philosophers might be spared this fate seems like a plausible explanation for why Plato takes public opinion seriously. Plato writes the Crito because the reputation of Socrates is vital to the future of philosophy in cities, or to the relationship of philosophy and politics.

II

The above remarks are intended to give due regard to the rhetorical surface of the Crito: Socrates is a good citizen, the dialogue affirms; philosophy is not the enemy of the city. This much said by way of preliminary observation, I wish now to suggest that the Crito has a second story to tell.³ For under the surface of the dialogue there is a different Socrates, a man who lives apart from the city, who is subject to none of its laws,⁴ whose loyalty is more gratuitous than obligatory, and whose rational life is all-absorbing and intensely private.⁵ Aristotle once remarked that the isolated man is either a beast or a god. Socrates is certainly not a beast, but the Crito would have us consider whether godlike self-sufficiency is an attribute of his nature. I begin by noting that Socrates' autonomy removes him from pious intercourse with gods and half-gods no less than it separates him from his

fellow Athenians.

It is near dawn when the Crito opens. Socrates, in his cell, awakens to find a solicitous and anxious Crito hovering over him. Crito has come with dire news and a daring proposal: the sacred ship has been cited at Sunium; its arrival is expected sometime today, which means that Socrates will be executed at sunup tomorrow; hence the escape must be carried out this night. Socrates is unperturbed by Crito's report and proceeds to blunt its implications with a report of his own. As he slept just now he dreamed, and in his dream he was visited by a beautiful woman who informed him, in words spoken by Achilles, that on the third day he would arrive in fertile Phthia. Believing that Phthia represents Hades, Socrates directs attention to the fact that an extra day of life has been granted him--not tomorrow will Socrates die, but the day after.

This is an unusual Socrates we see at the start of the Crito. Hardly is he the doubting dialectician of the Apology who as recipient of an oracular pronouncement set out to prove the god α wrong (21c1). Socrates does not investigate this dream, put queries to it, or challenge its message; rather he accepts what is told him and is at ease with the mysteriousness of other-worldly communications. In fact, when compared with Crito, Socrates seems clearly the less rational of the two, for Crito has hard evidence and a plan of action, whereas Socrates is immobilized by an apparition in white. Moreover, as their conversation proceeds, Crito plays the teacher to Socrates the student, advising Socrates not to worry about Crito and telling him what the situation requires; he even commands that Socrates obey him.

But all is not as it first appears.⁶ Socrates is not governed by this dream.⁷ If anything Socrates manipulates the dream, falsifies its content, and makes it support a position that he has already settled upon. Phthia is the ancient name for modern Thessaly, and Thessaly, we later learn, is the place where Crito has guest-friends waiting to receive Socrates should he make

an escape from jail. What the dream lady thus proposes by her quotation from the Iliad is for Socrates to follow through with the Achillean threat, namely to return to Phthia and so to choose life over glory. The dream instructs Socrates to flee to Thessaly.⁸ But Socrates will have none of it. He reads Phthia to mean Hades, concludes that the gods desire his death, and conjectures that the ship will be delayed and that another day will lapse before his execution. This fanciful account goes uncontested because the seemingly lucid Crito has not the presence of mind to realize what Socrates has done and to out-manuever him by suggesting and insisting upon the more sensible interpretation.

There is one other occasion in the Crito where Socrates exhibits comparable resistance to heavenly counsel. At 46b3-6 Socrates states, ". . . not only now but always, I am such as to be persuaded by [to obey; peithesthai] nothing other of what is mine than the argument which on consideration appears best to me." While there is no overt mention of the gods in this passage, one wonders nonetheless if Socrates has forgotten about his half-god daemon. What could be more personally his own (toioutos hoios tōn emōn) than this daemonic voice which warns him of impending danger? And what does Socrates obey if not these admonitions from the divine? In the Apology the daemon is said to have saved Socrates' life by keeping him away from Athenian politics (31c7-e1), and in the Theages Socrates credits it with selecting for him the young men who would benefit by his conversation (129e1-130a4). But here in the Crito Socrates admits to obeying only the argument which seems most reasonable. He even says that he venerates and honors arguments (presbuō kai timō; 46c1) as if arguments were deities deserving of pious respect. The daemonic voice, however, does not communicate in arguments; it does not piece together syllogisms that convince by their inherent reasonableness. The daemon rather is a cautionary instinct that dissuades from action. When it speaks or makes its presence felt, Socrates

dutifully submits, without questioning its authority or displaying much curiosity. Thus the existence of the daemon seems inconsistent with the claim that Socrates obeys only reasonable argument and with the suggestion that reasonable argument is what he counts as most his own. In the Crito, if not elsewhere, Socrates is a theoretical man who is unmoved by prudential promptings from the divine.

The extent of Socrates' self-sufficiency is perhaps best conveyed by the arguments he uses to override Crito's plea to escape. As has been said before, Crito is principally concerned with his reputation as a man and as a friend; he is worried what his neighbors will say if Socrates goes to his death. To allay this fear Socrates asks Crito to concede that not all opinions are deserving respect and that the most worthy opinions are those informed by knowledge, or those that are upright and prudent. People who know in matters affecting the body, such as trainers and doctors, are permitted to rule, because they alone can insure the body's health. This observation is Socrates' first premise to which he adds a second that an unhealthy life is not worth living. Were life itself deemed precious, Socrates would have to acknowledge the importance of those opinions backed by power, or the opinions of the multitude. But because only a good life deserves saving, Socrates can concentrate on the opinions of those experts responsible for life's goodness.⁹ As he condescendingly says to Crito, the many are powerless to produce either the greatest good or the greatest evil (44d6-10). They can deny Socrates his life, but they cannot affect its quality.

From the health of the body Socrates moves to the virtue of the soul. Socrates describes the soul--which conspicuously he does not name¹⁰--as that thing which is corrupted by injustice, improved by justice, and is more important to our well-being than the body itself. If expert advice is crucial to the body's health, then all the more important is it that expertise govern in matters affecting the soul. With this declaration Socrates makes clear

that he has no intention of being ruled by the law, unless coincidentally the law is knowledgeable. But since law in a democracy reflects the opinions of the many, the chances are slight that law would be sufficiently wise to command the allegiance of Socrates.¹¹ Socrates repeats some six times that knowledge is the preserve of one person.¹² The one expert knows, while the many--including the many laws--opine. We must remember this assertion of radical independence when later in the dialogue the Laws speak of Socrates as their child and slave. Socrates is hardly subservient to Athens, but the main impression left by his argument is that Athens has no effect on Socrates whatsoever.

In passing we might note that Socrates has played false with Crito for a second time. Socrates supposes that Crito is interested in health, and he deduces from this that he is also interested in virtue. But the truth about Crito is that he cares most for reputation, and the physical counterpart to reputation is not health but beauty. Beauty, like reputation, is an appearance; it is what other people see. Because Crito is fully involved in the community of citizens, he is concerned with how he appears to them morally, just as a vain person is concerned with his looks. Thus on the basis of Crito's remarks, Socrates is hardly entitled to presume the importance of health and to use healthy bodies as a model for virtuous souls. These are interior states, and interior states as such are self-verifying--their good exists independently of the opinions of others. Socrates stresses what is interior and independent against Crito's predilection for what is visible and derived. He thus asserts his power over Crito, but more importantly he shows again just how distant he is from the average human being for whom exteriors and appearances are primary.

The discussion of knowledge and opinion is gradually transformed into an argument about justice. Living well is a consequence of obtaining and following sound advice, and living well means living nobly and justly (48b8-

9). Of the four cardinal virtues, justice is the one most obviously social, tying people together through a network of rights and obligations. But with Socrates, oddly enough, justice comes to view as a function of a life well-led. Justice is self-interested; its duties are directed inward rather than outward, to the good of the self. Of course what Socrates means by the self is the soul, and the good of the soul is moral and intellectual virtue. Socratic self-love is no crass utilitarianism that restrains appetitive selfishness in order better to accomplish its ends. On the contrary, the ethic of self-love requires the just treatment of others--more often than not (see below).¹³ Nevertheless, this ethic produces a fundamental restructuring of common moral attitudes. For example, the Laws suppose that the social contract obligates the citizen to serve the greater good of the community, and they so instruct Socrates that he must not escape lest he injure the Laws with whom he has contracted. The Laws are quick to pick up on Socrates' discussion of contracts, but they completely miss the point of contractual obligation as Socrates presents it. Socrates abides by his contract not because he fears injuring the city, but because he is loath to injure himself. Breach of contract is an evil and an injustice (Socrates equates the two [49c7-8]),¹⁴ which simply means that it derogates from a life well led (justice), or that it corrupts the soul; that it also damages the legal system is of secondary importance (Barker, 1977, pp. 14-17, 24-28). For Socrates the final result may be the same, i.e., he remains in prison and suffers execution, but the moral reasoning that brings him to this decision differs profoundly from what the Laws espouse. The Laws see Socrates as a product of the moral life of the city, but Socrates sees himself as a solitary soul committed to and responsible for his own welfare.

Whether Socrates in fact holds himself bound to honor contracts is a question we will take up later. What concerns us now is Socrates' extension of the prohibition against doing evil to acts of retaliation and acts of self-

defense. He asserts that "it is never right to do injustice in return, nor suffering evil to defend oneself by doing evil in return" (49d7-9). Socrates seems to believe that no provocation can excuse raising one's hand against another. Athens is about to execute him unjustly, but still he cannot defend himself by escape since escape would be injurious to Athens. Socrates' conduct is apparently determined by an inflexible moral code (Greenberg, 1965, p. 60): better to suffer evil than to commit it (Gorgias 469b8-475e6). But Socrates is not a moral dogmatist (although he may intend to leave such an impression with Crito),¹⁵ and his code of suffering rather than doing evil only seems inflexible because conventional and unconventional meanings of the word have been intermixed. The evil that Socrates will suffer is physical injury or loss of material goods (conventional evil), whereas the evil that he will not commit is moral injury to himself through acts involving conventional harm to others (theft, calumny, fraud, etc.). Socrates will not hurt others when hurting others means corrupting his soul. The soul suffers corruption, Socrates believes, when the rule of reason is replaced by the rule of passion and opinion. To defraud others because of malice or greed is to deprive them of goods that are rightfully theirs, but it also is to feed these passions within oneself and to risk their taking command of the soul. This especially is the evil that Socrates will not commit.

Socrates does caution against the moral pitfalls of retaliation and self-defense, but whether fighting back is corrupting to the soul depends, once again, on the motive behind resistance. If it is fear or pride or anger, then very probably the soul is injured by the efforts to defend oneself, for in time behavior thus inspired will affix to the soul a pattern of vicious habits. But Socrates may defend himself for altogether different reasons--not because he is afraid of death or seeks vengeance against his enemies, but because he wishes to philosophize and cannot do so if he is dead. Philosophical inquiry is how Socrates best cares for his soul,¹⁶ and part of

caring for the soul is maintaining the life of the body (Greenberg, 1965, p. 58). Socrates did boast earlier that the opinions of the multitude can do him no harm, despite the fact that these same opinions, in the form of a judicial sentence, are about to destroy him. But we must be skeptical of Socrates' asserted inviolability. He is after all an old man now, soon to die anyway (Apology 37d4-5; Crito 43b10-11, 49a9-10, 53d7-10); thus he has little to lose by vaunting his independence. And we know that as a younger man he made what adjustments were necessary to keep himself alive (Apology 31d5-33a1) (Greenberg, 1965, p. 75; Strauss, 1983, p. 46). Socrates, then, is not indifferent to the matter of self-preservation, but neither does he make it his first concern. He gives just so much attention to the body, or to mere living (he lives in "ten-thousandfold poverty"), as is compatible with the demands of living well. Thus when he says that "it is never right . . . to defend oneself by doing evil in return," he is far from committing himself to an inflexible ethic of hurting no one.¹⁷ The only inflexible precept of Socrates' moral code is that priority be given to the welfare of the soul.

By raising the question of retribution, of returning evil for evil, Socrates inevitably calls attention to the target of the retributive deed. The ethic of self-love is accordingly made to take notice of some person other than the agent himself. Previously Socrates asked, " . . . does doing injustice nevertheless happen to be in every way evil and shameful to the one who does injustice?" (49b4-6). Now Socrates wonders "whether by going away from here not having persuaded the city, we do evil to some, and to those whom it should least be done, or not?" (49e9-50a2). Socrates allows that an individual has obligations and that he has peculiar obligations to his city and his fellow citizens (Apology 30a2-4). The reason Socrates gives is that the citizen has agreed,¹⁸ and that agreement with the city is a sacred and august commitment (Crito 50a2), more so than, for example, commercial transactions with strangers. To break a contract with the city is to be

dishonest, or at least careless with one's word; and, say the Laws, it is to be ungrateful and impious as well. Nonetheless, Socrates is not endorsing the teaching of the Laws that the citizen serves the city, for what Socrates argues is perfectly consistent with the ethic of self-love: that as an act of dishonesty breach of contract corrupts the soul; that the corruption is worsened by breach of one's "social contract," since this also is ingratitude and filial impiety; and that breach of contract in retaliation for injuries received advances the corruption further by adding vengeance to the general offense.¹⁹ In these passages Socrates emphasizes returning injury for injury, and so is mainly warning Crito of the insidious effects of revenge.

Of course the reservation mentioned before still applies--there can be retaliation and self-defense that are not driven by unjust motives and that are conducive to the soul's welfare. There can even be caring for the soul that entails harm to others. Socrates declares in the Apology that he will continue philosophizing, if necessary, in defiance of the law (29c6-d5).²⁰ He also suggests that some people whom he engages in conversation, or who merely overhear his discourse, are corrupted by the experience (23c2-5, 33b9-c4) (West, 1979, p. 193; Brann, 1978, pp. 11-12). Just how they are corrupted he explains in the Republic (537e9-539a6). Comparing those injured by dialectics to changeling children (hypobolimaia) who learn the truth about their heritage, he says that the revelation causes them to reject their adoptive kin, and that unable to find their natural parents (true arguments about the noble), they take up with flatterers and soon become lawless when before they were law-abiding. Socrates is aware that dialectics can do harm, but this awareness does not deter him from conversing dialectically, from philosophizing, because philosophy is how Socrates cares for the soul. If, then, Socrates will injure others for the sake of his soul, it stands to reason that he will also return injury, given similar purity of motives.²¹ We must conclude therefore, with respect to Socrates' predicament, that he is

free to defend himself against the unjust sentence of the city, and that no contractual obligation is sufficient to keep him from escaping.

Socrates in fact hints that his relations with the city are not contractually determined. Twice he states, albeit parenthetically, that agreements are binding if they are just (dikaia onta [49e6]; dikaiois ousin [50a1])--i.e., contracts as such do not oblige, only just contracts do.²² In the Republic Socrates provides an example of a contract that ceases to bind because circumstances have made compliance unjust: a man who has received a weapon in deposit is obliged to return it on demand, but he must not return it, Socrates reasons, if in the interim the owner has gone mad (331c1-9) (Allen, 1980, p. 73; Vlastos, 1973-1974, p 530). Justice, it seems, is less a function of consent than it is of prudence. To give one's word, to promise obedience, to consent is no sure indication of what is to be done; what is to be done is a matter to be settled by the prudent man. Of course, not all are prudent, and perhaps it is desirable that most people be instructed to follow the letter of the law (Anastaplo, 1975b, pp. 209-10).²³ Surely this is the lesson that Socrates means to communicate to Crito.²⁴ But it is safe to say that Socrates is not of this sort. Socrates holds contracts accountable for their consequences and scrutinizes them by standards of justice that supersede mere legality. Accordingly, if Socrates abides by his contract with the city, it is not because he once agreed to obey, but because obedience here and now is deemed just by him, which is to say conducive to his living well or not the cause of his living badly.

It has been argued that Socrates follows an ethic of self-love and that as a result he assumes responsibility for assaying the justness of contracts. Does such a rule of life serve to isolate Socrates? He concedes that it does: "For I know that these things both seem and will seem so to a certain few. For those then to whom it has seemed so and to whom it has not, there is no common counsel, but it is necessary that they disdain each other, seeing each

other's plans" (49d2-5). Socrates is set apart from the ordinary run of people who live by the opinions of the city and who accept the propriety of returning evil for evil.²⁵ These people, the vast majority of men, cannot comprehend Socrates' moral precepts because fundamentally they do not believe that the soul is the true self and that its well-being is more important than the body's. For them justice will always appear as a form of self-sacrifice, i.e., doing good for others at one's own expense. For Socrates, however, justice, and moral virtue in general, are expressions of his self-love.

III

We move now from Socrates' arguments concerning opinion and justice to the speech of the Laws. Although the Laws differ markedly in their moral philosophy (West and West, 1984, p. 26; Young, 1974, p. 12),²⁶ they do agree with Socrates in allowing that the citizen, whom they first call a child and a slave, is under contract with the city. They also expand on Socrates' brief description of the contract in such a way as to make its terms more generous to the citizen. Specifically, the Laws provide for dissent and emigration with property should the protesting individual fail to persuade the officials of the city. Concerning dissent, the Laws claim that the citizen is entitled to persuade or obey. Four times the Laws repeat their offer (51b3-4, 51b9-c1, 51e7, 52a2-3), although on two of these occasions the order is reversed, and the citizen is asked to obey or persuade (51b9-c1, 51e7). There is likely a difference here: when persuasion precedes obedience, the Laws are speaking of legislative action (i.e., the citizen is free to influence the making of law but is obliged to accept the results and obey); and when obedience precedes persuasion, the Laws are referring to judicial action (i.e., having disobeyed a statute already in force, a citizen is entitled in a court of law to justify his conduct and argue for the law's repeal). Because the Laws employ both forms of the doctrine, moving back and forth, it seems correct to conclude

that they are indifferent to the kind of activism chosen by the citizen, be it legislative participation or judicial protest.²⁷

The question we need to raise is whether the dissent doctrine of the Laws is of any use to Socrates. Let us begin with the legislative activity of persuade-or-obey. Socrates is not a regular participant in Athenian political life. He does not opt for a political career, nor does he ever appear voluntarily to speak for a particular cause. As far as the democracy of Athens is concerned, Socrates is one of its less politically active citizens (Gorgias 473e6-474a1). In the Apology Socrates explains why--a just man cannot participate in politics and expect to survive (31d6-32a3). He draws the same conclusion in the Republic, likening the philosopher to a man in a duststorm who avoids the weather's violence by taking shelter under a wall (496d5-e2). As a just man, the philosopher must keep his distance from the city. Since his standards are severe, he cannot speak his mind without overtaxing the comprehension and the tolerance of his neighbors. To those living in a cave and debating about shadows, the philosopher sounds ridiculous and threatening. It is at great risk that he attempts to persuade these people, and Socrates judges that the risk is not worth taking.

Will Socrates fare better if he resorts to the courts? Might he persuade the city of his righteousness in disobeying a law the enactment of which he dared not prevent? Socrates was brought before a court of law and made to defend his way of life--not some one misdeed but a whole life of public philosophizing that struck his compatriots as impious and corrupting. The task facing Socrates, to state the problem most starkly (and to exaggerate somewhat), was to persuade people who lead an unexamined life that an unexamined life is not worth living. Perhaps Socrates could have confined himself to the particular charges (which nevertheless had no precision about them), spoken more cautiously, humbled himself before his jurors, and in the end won an acquittal (the vote was close). But nothing would have prevented a

second group of irate citizens--and a third and a fourth--from hauling him back into court²⁸--nothing short of his making final peace with the city; and final peace would entail persuading people who live for money, power, and reputation that philosophy is the essential component of a good life.

Socrates, however, despairs of ever speaking this persuasively:

For if I say that [being silent and keeping quiet] is to disobey the god and that to keep quiet is impossible on account of this, you will not be persuaded by me, thinking that I am dissembling; if again I say that this happens to be the greatest good for a human being, namely each day to make for oneself the speeches about virtue and the other things concerning which you listen to me discussing and examining myself and others, and that the unexamined life is not worth living for a human being, these things still less will you be persuaded of by my speaking (Apology 37e5-38a6).

Socrates supposes that his jurors dismiss as mere irony the story of a divine commission directing his life. He concludes, therefore, that they will never accept his other and more truthful account (West, 1979, pp. 193-94; Strauss, 1983, p. 50) that philosophy is a self-validating activity, "the greatest good for a human being."²⁹ Socrates is so unlike his fellow Athenians that were they ever to command him to explain himself, he would find that words eluded him,³⁰ for there is no courtroom rhetoric that can convey the charms of philosophy to an unphilosophic jury (Young, 1974, p. 21).

The Laws themselves suggest, perhaps unwittingly (but then Socrates determines their script), just how difficult is the task awaiting Socrates. For the Laws declare that "it is necessary to do what the city and the fatherland orders, or to persuade it what is by nature just [to dikaion pephuke]" (51b9-c1). This is an innocent enough request when applied to ordinary people, for ordinary people understand the naturally just to mean piecemeal improvements in this or that law; and such intuitions of justice, which ask no more of the city than marginal reform, can be easily accommodated. But imagine inviting Socrates to persuade the city of what is just by nature. How would he reply? Would he content himself with daily matters, the routine of government, modest alterations in the exercise of

power? He suggests in the Gorgias that once given command, his responsibility would extend to the moral reconstitution of the city and of all of its people (513e5-522e6).³¹ And in the Republic, his one sustained effort to explain natural justice, he concludes that philosophers must rule, and rule unaccountably, in order for cities to be saved (473c11-e2). Is it conceivable then that democratic Athens would accede to the rule of philosopher-kings?³² Obviously not, nor can any city be expected to remake itself along the lines of natural justice.³³ As a philosopher and a just man, Socrates has little to say to Athens that would be politically acceptable. Thus the provision in the law allowing for citizen-persuasion, while useful to ordinary citizens, does nothing significant to ameliorate Socrates' position in the city. Socrates is an outsider for the very reason that he is a philosopher.

There is a second way in which Socrates might pursue the judicial route. Like all convicted criminals, Socrates is entitled to propose his own sentence; he can thus persuade the court of whatever punishment he deems appropriate. At the trial Socrates rules out imprisonment, taking note of the kind of men who would be his jailers. Judicial fines he treats as tantamount to imprisonment, since he has no money of his own, or else he makes light of them. And exile he rejects because banishment by Athens promises banishment by other cities, and it would be ignoble to move haplessly about, driven from place to place. Socrates specifically says that imprisonment is an evil and an injustice to him (also unpaid fines that result in imprisonment), but he seems slightly less definite about exile, and elsewhere he includes it among the punishments that do him no great harm (30d1-4). Of the three punishments, exile is the most interesting because exile is the legal counterpart to escape. The Laws remark that Socrates, by proposing exile as his punishment, could have done with the city's permission what he now contemplates doing in defiance of the city's will. Socrates could have left Athens without ever breaking his contract with the city because the particular law he is now

charged with violating is the one that gives authority to the court's decisions (Crito 50b8). By escaping prison Socrates breaks this law; by going lawfully into exile he does not. So could Socrates have availed himself of the citizen's right to persuade, or as a philosopher is death the only sentence that he can accept? When the exile option arises in the Apology, Socrates alludes to his advanced age: "A noble life would this be for me, a human being of my age, to go away changing one city for another and to live being driven out" (37d4-6). This passage does suggest (especially when taken in tandem with 30d1-4) that if Socrates had been a younger man, he might have chosen exile. And if Socrates could propose and be granted exile, then the obey-or-persuade doctrine would indeed serve some purpose. But notice what this purpose is: that Socrates the philosopher can exercise the citizen's right of severing his ties with his city. Furthermore, if Socrates is correct in predicting his future away from Athens, then Socrates can be a citizen nowhere, but like the sophists must always be in transit.

The second benefit that the Laws confer on citizens is the right of emigration with property. This right, however, is not without its restrictions. The Laws explain that an individual, upon coming of age, is entitled to decide for himself whether to make a permanent home in the city of his birth. What the individual is expected to consider in making his choice are the procedures and institutions by which the city governs itself. In other words, before accepting full citizenship the individual must conclude that the city's regime is to his liking. The manner of giving his approval may well be only tacit, i.e., by continued residence past the time when he has seen "the affairs of the city and us laws" (51d3-4) and the "way we reach judgments and conduct the city in other respects" (51e2-3). But having once consented in this or some more explicit fashion, the citizen has sealed his contract and is thereafter under the authority of the laws, which presumably may deny his petition to emigrate. The citizen, by definition, is someone who

has forfeited his right of choice as to the substance of law. The citizen rather chooses procedures--democratic, oligarchic, etc.--and promises to discharge whatever obligations those procedures lay upon him.

By the testimony of the Laws, Socrates is not quite like all other citizens; his status in Athens is unique. Speaking of Socrates' personal situation, the Laws allow that Socrates was not required during his early adulthood to finalize his covenant with the city.³⁴ He has had, say the Laws, seventy years to decide the question of citizenship, seventy years to declare whether he means to remain. But if Socrates can emigrate at any point (short of indictment for a crime)--leave Athens should she pass a law against his wishes (such as proscription of philosophy)--then Socrates has not, in the manner of a contracted citizen, surrendered his private judgment to the collective will. Socrates enjoys and exercises a personal veto over law far beyond the citizen's right to consent to legal procedures. This is so because Socrates judges substance, whereas others judge only form; and to judge substance is to be above the law, above the authorities who make the law, and so outside the legal confines of the city.³⁵ To be sure, Socrates' veto does not afford him immunity to prosecution should he break a law and remain in the city. The veto is important less for the power it imparts to Socrates (an indefinite right of emigration) than for what it says about Socrates as a citizen. The fact that Socrates has a lifetime to cement his social contract means that he need never, and has never, cast his lot with the city. Socrates is in the city, but he is not of it. Socrates stands aloof from his fellow citizens chiefly because, as was noticed before, he weighs the obligation of contracts against their justness and follows the lead of knowledge over the sway of opinion.

This returns us to a point in the dialogue where Socrates' isolation within the body politic was most apparent--the contention that knowledge alone legitimizes rule and is the one authority to be obeyed. As a prelude to

making his case for independence from public opinion, Socrates avowed that he venerates and honors arguments (presbuō kai timō; 46c1) (this passage was noted before). The Laws now assert, almost in rejoinder, that the fatherland is more honorable, venerable, and sacred (timiōteron . . . kai semnoteron kai hagiōteron) than are the parents of the citizen-child (51a9). To the citizen and to the Laws, community is the proper object of reverence³⁶; but to the philosopher and non-citizen Socrates, reason is owed the deepest respect.

It was mentioned earlier that the Laws personalize their argument for citizen-obedience, reminding Socrates that he most of all is satisfied with Athens. To substantiate their claim, the Laws point to the fact that Socrates rarely journeyed outside the precincts of the city, that he had children in Athens, that he shunned exile as a punishment, and that he remained an Athenian despite thinking Lacedaemon and Crete to be cities with good laws. But none of this evidence need prove any special satisfaction on Socrates' part. In light of the previous arguments attesting to Socrates' autonomy, one might instead conclude that Socrates stayed in Athens because he was indifferent to location--i.e., Socrates stayed in Athens because Athens was where he began. The Laws observe that Socrates does not "see the sights" as do most Athenians (52b4). Socrates, they charge, is singularly uncurious about other cities. But what if Socrates' "sight-seeing" (epi theorian), his theorizing, is internal and contemplative? This would suggest that Socrates thinks about natural right in preference to shopping around for the best city. Socrates' indolence could thus be taken to mean that Socrates is a theoretician rather than a tourist. Still, Athens is perhaps special among cities in that it allows its citizens this degree of public indifference and personal privacy. Socrates makes a similar point about democracies in the Republic, that they are open, diverse, and free (557b4-558c6). But then democratic Athens is being prized for what it is not--it is not a polis that imposes heavy-handedly a single way of life. Or if it is prized for what it

is, then Athens is a community that demands comparatively little of the individual.

The Laws, of course, have a much higher opinion of city-living. They think that good laws and orderly men are indispensable ingredients of a good life. Indeed they maintain that life without such provisions would not be worth living (53c4-5, 53a4). But Socrates contends, quite memorably, that the unexamined life is not worth living. It is philosophy, says Socrates, that makes one happy, not good laws as such.³⁷ Moreover, the company of the most orderly men (tous kosmiōtatous; 53c4), thought by the Laws to be one of life's true pleasures, is not something that Socrates particularly values. The Apology offers some evidence on this score, for when Socrates describes his vision of an ideal Hades, the shades he would most desire meeting are Odysseus and Sisyphus.³⁸ Both of these figures, it so happens, were villains--Sisyphus is known mainly for his villainy, and in Homer's Hades suffers a notorious punishment, while the villainy of Odysseus is stressed by previous reference to his victims, Palamedes and Telemonian Ajax, who Socrates notes suffered unjust punishment like himself. Concerning the innocent Palamedes and Ajax, Socrates says that trading stories with them "would not be unpleasant" (ouk an aēdes eiē; 41b5). But concerning Odysseus and Sisyphus, men reputed for their wisdom, Socrates says that keeping their company "would be inconceivable happiness" (amēchanon an eiē eudaimonias; 41c3-4) (Anastaplo, 1975a, p. 24).

IV

A case has been made for the apolitical character of Socrates, for his autonomous seclusion from the community of citizens and friends. Many of the dialogues supply evidence in favor of this view (in the Symposium, for example, Alcibiades, claiming to have penetrated the Silenic exterior of Socrates, advises those loved by him that he really cares nothing for them [216e4], his amorous attentions being all pretense), but it is not the purpose

of these dialogues, as it is of the Crito, to establish Socrates' devotion to the city. Thus to discover in the Crito this same autonomous Socrates is especially revealing and is reason to conclude that the philosopher ascending from the cave is the most authentic image of Socrates, that self-sufficiency, or the aspiration thereto, lies at the core of his being.

But the core is not the entirety, and self-sufficiency remains an aspiration. There is, in fact, more to Socrates than his private life as a philosopher.³⁹ As stated in the beginning, Socrates is also, if not primarily, a citizen and a friend. While it would be inappropriate here to develop this other side of Socrates, one feature of his public persona, drawn from the Apology and the Crito, deserves brief consideration.

In the latter dialogue Socrates is anxious to speak persuasively to his friend Crito and to the city of Athens. Despite his reiterated contempt for unenlightened opinion (he says that Crito's opinions "concerning the expenditure of money and reputation and the rearing of children" are the "mindless" [oudenī zun nō] opinions of the many, of people "who kill lightly and who would bring back to life again if they could" [48c2-6]), those who hold such views are nevertheless dear to him. He does not wish to act without the permission of the Athenians and without first having won the assent of Crito (48e2-5) (Young, 1974, p. 8). This deference to Athens and patience with Crito, explaining to him honorable motives for obeying the law, gives telling proof of Socrates' humanity.

But it is not enough that Socrates argues rationally. Reason is not persuasion. Crito has spent many years with Socrates (more as a patron than as a student perhaps), and yet he must hear again why the rule of knowledge is important (46c8, 47c9 49a8-b1). Dialectics is a hard pill to swallow, and often the arguments of Socrates carry conviction only as long as Socrates is there to support them (Theages 130a1-e4; Symposium 216b1-7).

The the trial and death of Socrates, however, is something more than

argument. It is drama, a captivating performance with enduring consequences for western civilization (according to Nietzsche, "the turning point and vortex of world-history").⁴⁰ By it Socrates uses action to make theory persuasive--if not to prove that the unexamined life is worthless, then at least to prove that the examined life is respectable. Socrates says to his jurors in the Apology, "But I will provide you with great proofs of these things, not speeches, but what you honor, deeds" (32a4-5). This striking declaration, made to introduce two tales of brave resistance, seems emblematic of Socrates' whole defense speech and of the events that follow in its wake? As deed, the trial and execution is a palpable demonstration of the philosopher's courage, of a virtue that is esteemed by and transparent to the public. The Athenians might never comprehend the wisdom of Socrates, or glimpse the moderate harmony of his soul, or agree that his life is just; but they cannot dispute his courageous acceptance of death. And since Socrates avows that self-knowledge is the cause of his courage, that he is brave because he is ignorant of the fearfulness of death, they must give a hearing to philosophy, a hearing that arguments alone would not have secured. It could be said that the entire life of Socrates, as dramatized by Plato, is as much a deed, belonging to practice, as it is an argument, belonging to theory. For without the image of Socrates, the arguments of Socrates would lose much of their force. And no image in literature is more compelling than that of the dying Socrates. Socrates provokes his condemnation, rejects escape, and suffers execution--he chooses to die--in order to accomplish by this courageous deed what he could not accomplish by discursive speech, to persuade his contemporaries to befriend the philosopher and to appreciate his ways. At the same time his choice reflects his humanity, for by observing the law, even at the cost of his life, Socrates becomes a benefactor to Athens and her citizens.

We might conclude by listing four reasons why Socrates agrees to die:⁴¹

(1) Socrates dies because as an old man, in this predicament, he cannot save himself;⁴² (2) because his escape would make a scandal of philosophy (53a6-7), whereas his death leaves open the possibility that philosophy will be favorably regarded, either as the source of his remarkable courage (Apology 29a4-b6) or as an activity consistent with the duties of citizenship (Rosen, 1973, pp. 314-15);⁴³ (3) because Socrates is not simply an autonomous man, but is also an Athenian who hopes by his death to refurbish his city's respect for law (public opinion and Crito's behavior suggest that compliance with the law is neither admired nor widespread [Congleton, 1974, pp. 434-38, 442-45]);⁴⁴ and (4) because he is Crito's lifelong friend and wishes to provide this non-philosopher, this orderly man, with an example of rational and dignified obedience. In Socrates' death there is a happy congruence of two facets of his life, for by dying as he does Socrates gives tangible proof that the philosopher is a good citizen and a good friend. Or perhaps we should say that by writing the Crito Plato gives proof of the philosopher's humanity, while adverting more quietly to his godliness.

¹All translations from the Crito and the Apology are my own. Stephanus page numbers and line citations are from the Oxford Classical Texts.

²On the only occasion when Plato participates in a dialogue (Apology 38b6-8), he acts contrary to Socrates, offering to pay a fine of thirty minae in place of the one mina which Socrates proposed.

³To suppose that the Crito tells a second story is not to deny that it also tells a first. See my Socrates and the Sophistic Enlightenment: A Commentary on Plato's Protagoras (1987, pp. 183-87) for a discussion of the political Socrates of the Crito.

⁴See Congleton, 1974, pp. 434-38, for an instructive statement on Socratic lawlessness.

⁵Euben (1978, p. 166) is aware of the solitude of Socrates, but mostly he stresses Socrates' connectedness to the city. Rosen (1973, p. 309) states in passing that Socrates appears self-sufficient because immune to the demands of friendship.

⁶Dybikowski (1974, p. 521) discovers an additional bit of irony in Socrates' speech: that Crito, because he is not facing death, is a disinterested witness whose testimony can be trusted (46e3-47a2). However, this is the same Crito who presents himself as distraught and who marvels at Socrates' composure (43b3-9). Socrates is in fact the one whose reasoning is untouched by personal circumstances (46b3-c6). See also Young, 1974, p. 8.

⁷Socrates first asks Crito if the ship has arrived from Delos (43c9), and when told that it has not, he reports a dream that says that it could not. Does Socrates really derive any assurance from this dream?

⁸Strauss (1983, p. 55) seems to think that Phthia could mean Thessaly or equally that it could mean Hades. See also Payne, 1983, pp. 1-2, and Congleton, 1974, p. 440.

⁹For an interesting discussion of the expert, see Greenberg, 1965, pp. 53-56. Greenberg maintains that regular success is the measure of expertise. This is a commonsensical view, and perhaps Socrates would accept it as a point of departure. But it is doubtful that Socrates would count it his final position since Socrates puts theory ahead of practice. He says in the Gorgias that he is Athens's one true statesman, even though he does not occupy office (521d6-8); and generally he withholds the title of statesman from political leaders who only practice their skills but are unable to teach them (e.g., Protagoras 319d7-320b3). Also in the Apology he asks the poets for rational accounts of their poetry, not readings (22b2-c4).

¹⁰See below, n. 15.

¹¹The contrast between the single expert and the many ignorant laws is present also in Socrates' interrogation of Meletus (Apology 24d9-25c4). There law is seen as a straightforward expression of public opinion.

Whether Socrates respects or deprecates law depends entirely on the standard of justice he has before him--when compared with direct philosophic rule (as in the Republic), law is a poor second; when compared with tyranny--or with exile in Thessaly--law is the voice of reason and the mainstay of civilization. In the Crito Socrates is mostly respectful of law because dissuading Crito from breaking the law is his paramount concern. The dialogue, need it be said, is conducted for the benefit of its namesake. But the dialogue also reminds us of why law is defective and why for Socrates law could never serve as his sovereign authority.

¹²There is an exception at 47d9 where Socrates says "experts" (epaiontōn). Socrates also questions whether the expert exists (47d1-2). This doubt, expressed in several of the dialogues, might serve as Socrates' point of reentry into the world of ordinary politics, where the right to rule rests more on tradition and consent than on expertise: if no one in fact has mastered the art of politics, then rule by the unwise is made legitimate by

default. The pursuit of wisdom has the effect of isolating the philosopher from the human community, but the elusiveness of wisdom guarantees his continued engagement. There are ties that bind, and Socrates' autonomy is not complete.

¹³Allen (1980, p. 80) contests the egoism of Socrates' ethics. He cites book 1 of the Republic where Socrates argues that virtue is art and that art is for the sake of those it serves, not for the betterment of the artisans. Allen, however, does not take account of the fact that much of Socrates' speech in book 1 is designed to counter the exploitative instincts of Thrasymachus; further, that the rest of the Republic moves in response to Glaucon and Adeimantus' entreaty to prove that justice is good in the soul of the just man.

¹⁴Cf. Woozley, 1979, pp. 19-20. Woozley tries to decouple evil and injustice on grounds that their identification renders tautological the expression at 49c10-11: "Then one must neither return unjust treatment to any men nor treat them badly, no matter what treatment one gets from them" (Woozley translation, p. 19). Woozley explains: "For, if the expressions were intended as synonymous, then the remark about neither treating a man unjustly . . . nor treating him badly would be pointless; 'neither . . . nor . . .' would simply not be doing their work" (p. 20). But oute . . . oute can do their work more subtly as "nor," "or," and West and West, and Allen translate the particles this way. Perhaps Socrates uses synonymous expressions for the sake of emphasis. In any case Woozley has hardly given grounds for ignoring Socrates' explicit affirmation that "there is no difference between doing evil to human beings and doing injustice" (49c7-8). Woozley's problem does not arise if one remembers that Socrates defines justice egoistically as living well (48b8-9).

¹⁵If it were my concern to discuss the moral and political instruction communicated by the Crito, emphasis would be placed on the dogmatic character

of Socrates' remarks, and on the fact that Crito is the first audience for all that is said. In other words, the Crito, on its surface, is thoroughly doctrinaire. Strauss notes that the words philosophy and soul do not occur in the dialogue (1983, pp. 59, 62). Is this because philosophy and soul are incompatible with dogma? See Grote who thinks that Socrates plays the role of the professional expert and "lay[s] down a dogma of his own" (1867, p. 308).

¹⁶There is some sympathy here with the Woozley thesis that Socrates would obey all laws except a law forbidding philosophical inquiry (1971, p. 307). (See also Young, 1974, p. 29.) What Socrates will or will not do depends on considerations of a life well-led, and at the core of his living well is philosophy. But moral virtue is also a part of a good life. Presumably it is with an eye to the moral health of his soul that Socrates refused to be a party to the arrest of Leon of Salamis. (See Euben, 1978, pp. 151-52 for a reply to Woozley.) Woozley offers a somewhat different resolution in his book-length study (1979, pp. 45-46), one which focuses on the range of meanings of peisthesthai (to obey, to be persuaded, to be guided, to trust, etc.). On philosophy's special status in the life of Socrates, see Vlastos, 1973-1974, pp. 532-33.

¹⁷Socrates is no pacifist for he served in the military, saw action in several campaigns, and distinguished himself for valor (Apology 28e1-3; Symposium 220d5-221c1; Laches 181b1-4). Very likely he had occasion to defend himself by returning injury for injury.

¹⁸In Socrates' argument cognizance is taken of the welfare of others only when contractual obligations tie people together (49e6-7).

¹⁹See Woozley, 1979, pp. 48, 58. Woozley walks up to the threshold of the self-love thesis, looks around a bit, but never quite crosses over.

²⁰Does Socrates intimate that philosophy itself is unjust? Brann (1978, pp. 12, 20-21) observes that Socrates uses the Republic's definition of injustice--meddling in other people's affairs--to describe his own

philosophical activity (Apology 19b4). For a cogent defense of the Athenian Assembly that condemned Socrates to death, see Kendall, 1971, pp. 163-67.

²¹Socrates once says in the Apology that he does injustice to no one (37b3) (this claim follows a statement that he does no injustice voluntarily [37a5-6]). But he also denies responsibility for the moral consequences of his discourse on the somewhat technical grounds that he is not a teacher (33b3-6). Rather than trust to such blunt attestations, a better defense of Socrates' conventional justice (his injuring no one) would note the irony of his speech and the care he exercises in selecting his students. But in the Apology Socrates can do neither for he is under suspicion of being a clever speaker and of having public and private teachings that differ (17a4-b5; 33a6-b3).

It might also be remarked that Socrates allows the just city of the Republic--putatively a model of the just soul--to defend itself against its neighbors by inciting their factions to civil war (422e7-423a5). This is more than retaliatory injury; it is preemptive injury as a strategy of civil defense.

²²Failing to notice this exception, or to give it adequate consideration, Martin wrongfully concludes that Socrates held himself obligated to obey all laws, the unjust no less than the just (1970, pp. 32, 37-38). Thus when Martin confronts the paradox of the behavior of Socrates (as presented in the Apology) not comporting with his teaching, Martin sets the matter aside as beyond the scope of his interest (pp. 34-35). See Wade, 1971-1972, pp. 311-25 for a reply to Martin. Farrell (1978, p. 179) is of the same opinion as Martin, that Socrates thought himself absolutely bound to obey the laws. A better reading is given by Young (1974, pp. 10-11).

²³Socrates is not inviting all citizens to be arbiters of justice. This responsibility follows from a moral philosophy that Socrates contends few people accept. To Crito he says, "But if you abide by this former agreement,

hear what comes after" (49e2-3). And what comes after is the assertion, twice made, that agreements are to be respected if they are just. It should come as no surprise that Socrates is inequalitarian, that he distinguishes the few from the many. However, we need not conclude from his elitism that all but the wise are automatons, obligated to carry out every scintilla of the law. Surely most people, including Cephalus, are sensible enough to withhold a weapon from its enraged owner. The example from the Republic requires uncommon prudence only if extended to more difficult problems of life, such as determining the rights of property according to natural desert. See Strauss, 1964, p. 69.

²⁴Socrates would also have Crito reason independently of law (e.g., by consulting the one expert who knows or by taking advantage of the persuasion and emigration provisions of the speech of the Laws), but with it clearly understood that Crito should never disobey the law. See Coby, 1987, pp.184-87; also Euben, 1978, p. 160.

²⁵When Socrates makes a related argument in the Gorgias, that it is better to suffer evil than to do it, he insists that the many share this opinion (474b2-475e6). Socrates is able to establish their agreement by identifying the noble and the good with the useful and the pleasant. By a similar maneuver in the Protagoras, he elicits agreement from the many that virtue is knowledge (351b3-360e2). What tactics such as these suggest is that Socrates' moral teaching (all of those Socratic paradoxes) can be made acceptable to the public only when presented in the guise of vulgar hedonism.

²⁶Cf. McLaughlin (1976, p. 189) who argues in response to Young that the speech of the Laws is correctly attributed to Socrates. McLaughlin claims that the tension between the Crito (obey the law) and the Apology (break the law) is present in the Apology itself where only Socrates speaks. (Young maintains that Socrates' position is distinct from that of the Laws [1974, p. 12].) Says McLaughlin: "For at 29B Socrates puts down the same general rule

of obedience saying, 'But I do know that to do wrong and to disobey my superior whether god or man, is wicked and dishonorable.' Here as in the Crito disobedience to men's laws is said to be wrong--this time by Socrates." Unfortunately, McLaughlin misreads his own citation. Socrates says nothing about disobeying "men's laws"; he only says that he will not disobey his superiors, be they god or man. There simply is no warrant for supposing that Socrates includes "men's laws" among his superiors. Not even from the Crito could one draw this conclusion, since Socrates pointedly subordinates himself to the one expert who knows, and then proceeds to describe the Laws as a noisy (54d2-7) multitude whose claim to authority rests not on reason but on parentage, tacit consent, and kinship with the divine. See Anastaplo, 1975b, p. 208.

Cf. also Allen, 1972, pp. 560, 562. Allen thinks that the speech of the Laws is philosophical ~~re~~ rhetoric and the very logos that Socrates contends is persuasive because it appears best upon reflection. Allen urges us to consider that the Laws do not resort to flattery but "aim at persuasion based on truth." Now it may be the case that the Laws refrain from flattering Socrates, whom they ask to die. But do they not flatter themselves instead (parents and masters to Socrates their child and slave), the establishment he is to die for? In order to prove that the Laws are the logos, Allen quotes--not from the Laws, be it noted, but--from Socrates' discussion with Crito (only just agreements are to be kept). He thus assumes what he needs to demonstrate, that the speech of Socrates and the speech of the Laws are one and the same. Kraut (1984, pp. 58-59, 68, 77) can be similarly faulted. His claim that the Laws "build upon" the just-agreement doctrine is bound up with, and no better than, his other claim that persuasion need not be successful.

²⁷For a fuller, but very different, treatment of the persuade-or-obey doctrine, see Kraut, 1984, pp. 54-90. Kraut supposes that all persuasion is judicial (pp. 82-85). He accounts for that persuasion that precedes obedience

by offering the case of a convicted defendant who declares before his jurors what punishments he will and will not obey, such as Socrates' announcement that he will resist a punishment forbidding future philosophizing. There is nothing wrong with this explanation as far as it goes, but a more common instance of persuasion preceding obedience is legislative action. Kraut does not merely overlook the obvious; he denies it (pp. 55-60). He denies it because it is inconsistent with his overall thesis that the Crito is a libertarian document. Kraut would not wish to impose upon the individual any requirement to help make laws and then to obey all laws that are made. This would be too constraining. Rather the individual is always at liberty to break the law, as long as he has the decency to explain himself to the authorities afterward. Indeed, Kraut contends that persuasion means nothing more than trying to persuade (pp. 69-73). The individual, says Kraut, cannot be bound in his actions by the ability of others to understand and condone his reasons.

Kraut's definition of persuasion is reminiscent of the opening paragraph of the Declaration of Independence which speaks of "a decent regard for the opinions of mankind." According to the Declaration it is not necessary that the nations of the world, including Great Britain, be actually persuaded; it is enough that they be told of the colonists' intentions. Of course the American colonists express this view as they are about to sever political ties with the British. Kraut thinks that a citizen can do the same and still remain a citizen.

²⁸In fairness to Athens it should be said that the city did tolerate Socrates for many years, and that as a septuagenarian he was too old to be at serious risk from a steady procession of indictments (Apology 38c5-7). There would be, however, philosophers to come after him who would have to confront a city willing to prosecute them for their philosophical activity (Apology 39c6-d3). Why Socrates takes on the hard task of persuasion, even to the point of

provoking his condemnation, will be considered below.

²⁹One indication that Socrates' mission is conducted irrespective of divine command is the low regard that the god has for human wisdom. What Socrates solemnly declares is "the greatest good for a human being," the god cavalierly dismisses as a thing "worth little or nothing" (23a7).

³⁰Socrates does say once that given more time he could persuade his jurors of his innocence (Apology 37a6-b1). But this supposition he expresses at the very point in the dialogue where the Athenians are the least open to persuasion, for he has just proposed as his punishment that he be supplied with free meals in the Prytaneum. Socrates wants more time, but the more he speaks, the worse his fellow citizens think of him (according to Diogenes Laertius, more of them thought he should die than thought he was guilty [II.42]).

³¹Socrates promises much the same in the Republic, that his educational reform will start from a clean slate (501a2-7).

³²See Strauss, 1953, pp. 139-43 on the practical alternatives to the philosopher-king. Democracy is not the second-best form of rule. Cf. Kraut, 1984, pp. 207-08.

³³According to Strauss (1953, pp. 152-53), Plato dilutes natural right in order to render it compatible with civil society.

³⁴Most commentators ignore the discrepancy between 51d1-e4 and 52e1-5, or they blithely extend to all Athenians what the Laws say only of Socrates. It should be understood that while the Laws do not represent Socrates, still their words are fashioned by him. Thus two things happen when they speak: they explain how they view Socrates and his responsibilities as a citizen, and he intimates how he views them and his life under their rule. In other words, the Laws do not consciously make an exception of Socrates; rather Socrates, who decides what the Laws will say, consciously asserts his exceptional status.

³⁵The obvious anachronism notwithstanding, John Locke provides the best explanation of why a member of civil society cannot individually judge the substance of law (Second Treatise, 1960, sec. 97).

³⁶No impiety is implied in this statement since the city in part derives its sacredness from the gods. Socrates' arguments, on the other hand, are venerable because they are true, not because they are divinely revealed.

³⁷The contrast here is not absolute, for the Laws go on to suggest that Socrates will not be able to conduct his inquiries anywhere outside of Athens. Good men in good cities will reject such speech because Socrates' reputation as a corrupter will precede him; and bad men in bad cities will put up with Socrates if he amuses them and causes no pain. Thus from the point of view of someone who truly values the examined life (Socrates), good cities and bad cities, as places of refuge, would be equally harmful. Only if the Laws accept this conclusion can it be said that the Laws share Socrates' conviction that philosophy is "the greatest good for a human being." But it is doubtful that the Laws measure the worth of cities primarily by their openness to philosophy. What they offer instead as their best advertisements are parental care and contractual agreements. It is true that the Laws refer to philosophical conversation as an implicit good, but mainly they are affirming Crito's point that reputation matters and that the opinions of others can do harm. The difference between the Laws and Crito is that the Laws have a better understanding of Socrates (not surprising), for they bring forward the one harm that Socrates in fact acknowledges. The Laws themselves do not value philosophy, but they know that Socrates does. And they impress upon him that laws everywhere, as the embodiment of opinion, have the power to deny him this good. Cf. Young, 1974, p. 24.

One other point: When the Laws are first called forth, they show their respect for dialectical inquiry by inviting Socrates, a famous questioner and answerer, to submit to their interrogation (50c7-9). But they also believe,

and next report, that a citizen is a slave, and that as a slave he may not contradict his superiors (50e9-51a1). Thus despite the invitation to question and answer, the Laws make plain that they are Socrates' superiors and that they do not wish to be contradicted by him.

³⁸Agamemnon is included in Socrates' list. But it is thought that Agamemnon is depreciated below the rank of Odysseus and Sisyphus because this leader of the Greek armies is left unnamed. He is more like the "myriad others one might mention" (41c1-2) who are also included in the list.

³⁹There are many Socrateses in the Apology. There is: (1) Socrates the citizen who performs his duties in peace and war; (2) Socrates the hero, an improved Achilles who faces death rationally; (3) Socrates the "saint" who leads an exemplary, even superhuman, moral existence; (4) Socrates the "priestlike" gadfly who exhorts others to care for virtue; (5) Socrates the prophet who delivers discomfiting oracles about events to come; (6) Socrates the foreigner, unfamiliar with Athenian courts and their special language; (7) Socrates the sophist, a stranger (above) and wanderer (his quest for someone wiser than himself) who makes the weaker speech defeat the stronger (e.g., his dialogue with Meletus) and who, like Evenus, is compared to a horse-trainer; (8) Socrates the teacher who keeps intellectual company with the young; (9) Socrates the philosopher who leads an examined life; and (10) Socrates the god who progresses from questioning the veracity of the god, to replacing the god with his daemon, to finally replacing ~~the~~ his daemon with himself (cf. 23b7 with 34a6-b5; West, 1979, pp. 199, 217-18). Little wonder is it then if more than one Socrates shows up in the Crito as well.

⁴⁰The Birth of Tragedy, 1968, sec. 15, p. 96.

⁴¹For an alternate view of why Socrates dies, but still one which does not hold him to be contractually bound, see Greenberg, 1965, pp. 67-82. For a similar view, see Anastaplo, 1975b, p. 210.

⁴²In the course of Crito's explaining to Socrates the prudential reason

supporting escape, Socrates admits that he has been considering these very same matters (45a4-5). The results of his considerations, we might suppose, are the closing remarks of the Laws which repeat Crito's arguments point for point, only turning them about so as to construct a case for dying. The sad fact is that skipping jail would profit Socrates hardly at all.

⁴³Socrates chooses to defend himself at his trial by referring to a longstanding prejudice against philosophy (18a7-19a1). Is it too much to say that by his death he creates a prejudice favoring philosophy? We are ourselves the creatures of this prejudice insofar as we have ceased to reflect on the problem of politics and philosophy, or insofar as we take enlightenment for granted.

⁴⁴If we suppose that Crito is correct in his description of Athenian opinion, then Socrates is in no position to set a good example, because his death will be misconstrued as cowardice and tight-fistedness on the part of his friends. Socrates, it seems, and as we said before, is dependent on Plato to convert his death into a benefaction to Athens. But this dependency is true of all that Socrates did and said. We are thus reminded of just how inextricably bound together are Socrates the man and Plato the author. See Payne, 1983, pp. 21-23.

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